

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

APR 20 2009

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY W.N. DEPUTY

DANIEL PRUETT,

Petitioner,

VS.

No. CIV-09-308-W

PAUL A. KASTNER, Warden,

Respondent.

ORDER

On March 26, 2009, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this matter and recommended that the Court deny the Motion for Leave to Proceed in Forma Pauperis submitted by petitioner Daniel Pruett. Magistrate Judge Purcell further recommended that the Court dismiss the action without prejudice unless Pruett paid the full filing fee of \$5.00 to the Clerk of the Court by April 15, 2009.

Pruett was advised of his right to object to the Report and Recommendation, and the matter came before the Court on Pruett's response, which the Court construed as a request for additional time to comply with Magistrate Judge Purcell's suggestion that the filing fee be paid by April 15, 2009.

Upon reviewing the record, the Court on April 10, 2009, granted Pruett's request for additional time to act in accordance with Magistrate Judge Purcell's Report and Recommendation and granted Pruett until May 1, 2009, to pay the filing fee of \$5.00 in full. The record demonstrates that Pruett has now paid the filing fee of \$5.00. See Doc. 8 (April 16, 2009).


Accordingly, the Court

(1) ADOPTS the Report and Recommendation issued on March 26, 2009;

(2) DENIES Pruett's Motion for Leave to Proceed in Forma Pauperis [Doc. 2] file-stamped March 23, 2009; and

(3) RE-REFERS this matter to Magistrate Judge Purcell for further proceedings.

ENTERED this 20th day of April, 2009.


LEE R. WEST
UNITED STATES DISTRICT JUDGE